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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,108	03/12/2004	Steven Lawrence Fors	144273IT (MHM 15333US01)	8939
23446 7590 02/20/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER AMADIZ, RODNEY	
			ART UNIT 2629	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/800,108	FORS ET AL.	
	Examiner	Art Unit	
	Rodney Amadiz	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9, 13 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As to Claims 13 and 22, the Examiner has found no support for the limitation stating that "an entirety of said anti-bacterial rollerball assembly is formed of an anti-bacterial material" (Claim 9, page 3, lines 7-8) or "an entirety of the pen-shaped input device is formed of anti-bacterial material" (Claim 13, Pg. 4, lines 5-6) or "an entirety of the anti-bacterial input device, including the anti-bacterial rollerball, is formed of an anti-bacterial material" (Claim 22, Pg. 6, lines 5-6). At best, the Specification states that "the outer structure of the input device 18, including the rollerball 54 and the lateral buttons 50, 52 are all formed of an antibacterial material or covered with an anti-bacterial coating" (Pgs. 12-13, ¶ 35). **(Emphasis Added)**. This statement concludes that only the outer surfaces of the input device are formed of anti-bacterial material and not the entirety of the input device (i.e. inner walls or non-exposed surfaces).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (U.S. Patent 6,498,604—hereinafter “Jensen”) in view of Iwase et al. (JP 0116354—hereinafter “Iwase”).

3. In response to applicant's arguments, the recitation “touch-sensitive monitor” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As to **Claim 1**, Jensen teaches an input device configured for use with a processing unit in communication with the input device (***Fig. 1***), the input device comprising: a main body having a distal operative end (***Reference Number 1***); and a rollerball positioned within a bearing at said distal operative end (***2***), said bearing retaining said rollerball so that said rollerball is capable of rolling within said bearing (***Col. 4, lines 42-50***), and wherein movement of said rollerball is detectable by the

processing unit (*Col. 4, lines 54—Col. 5, line 26 and Col. 5, line 60—Col. 6, line 7*).

Jensen fails to teach that the main body is formed of an anti-bacterial material.

Examiner cites Iwase to teach an input device formed of an anti-bacterial material (**See Abstract**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use an anti-bacterial material to form the main body of an input device as taught by Iwase in the input device taught by Jensen in order to prevent infection (*Iwase—Abstract*). In addition, the Examiner uses the teachings of Iwase, that all the peripheral areas of the writing instrument are formed of anti-bacterial material, to modify the input device taught by Jensen; thereby, also forming the rollerball and bearing taught by Jensen to be formed of antibacterial material. One of ordinary skill in the art would have been motivated to form the rollerball and bearing of antibacterial material in order to ensure that infection or bacteria would not be spread from one person to another through the input device.

As to **Claim 2**, Jensen teaches the main body further comprising additional buttons (**4**), and wherein pressing of said additional buttons is detectable by the processing unit (*Col. 3, lines 50-52 and Col. 5, lines 39-45*).

As to **Claim 4**, Jensen teaches that the rollerball is configured to click when the input device is pressed against a surface, and wherein the click of said rollerball is detectable by the processing unit (*Col. 5, lines 34-51*).

As to **Claim 5**, Jensen teaches that the main body is shaped like a pen (**See Fig. 1**).

As to **Claim 8**, Jensen teaches that the input device is configured to wirelessly communicate with the processing unit (**Col. 5, line 61—Col. 6, line 7**).

4. Claims 9, 11, 12 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Natsuyama and Iwase.

As to **Claim 9**, Jensen teaches an input device configured for use with a processing unit in communication with the input device (**Fig. 1 and Col. 5, lines 7-26 and Col. 5, line 61—Col. 6, line 7**), the input device comprising a shaft-like main body having a distal operative end (**Fig. 1, 1**); a rollerball (**2**) assembly located at said distal operative end of said main body (**See Fig. 1**), said rollerball assembly comprising a rollerball retained within a bearing (**Col. 4, lines 42-45**), said rollerball assembly configured to electrically communicate with the processing unit (**Col. 5, lines 7-26 and Col. 5, line 61—Col. 6, line 7**), said bearing retaining said rollerball so that said rollerball is capable of rolling within said bearing (**Col. 4, lines 42-45 and Col. 5, lines 7-21**); and wherein movement of said rollerball is detectable by the processing unit so that a user may input digital data into the monitor through said rollerball assembly (**Col. 5, line 61-Col. 6, line 52**); and a plurality of lateral buttons (**4**) positioned on said main body (**1**), wherein said plurality of lateral buttons are configured to electrically communicate with the processing unit (**Col. 3, lines 50-52**). Although Jensen does mention contacting a substrate with the input device (**Col. 6, lines 33-52**), it is not clear if the substrate is a touch-sensitive monitor. Therefore, the Examiner cites Natsuyama to teach an input device (**Fig. 1, 1**) with a rollerball (**3**) that is in direct contact with a

touch-screen (**100**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the user contact a touch-panel with an input device as taught by Natsuyama in the system taught by Jensen in order to provide a user friendly interactive interface whereby the user may easily see and touch the appropriate places on the monitor.

Jensen, as modified by Natsuyama, fails to teach the input device having the body formed of anti-bacterial plastic. Examiner cites Iwase to teach an input device formed of an anti-bacterial material (**See Abstract**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use an anti-bacterial material to form the main body of an input device as taught by Iwase in the input device taught by Jensen, as modified by Natsuyama, in order to prevent infection (**Iwase—Abstract**). Furthermore, it would have been obvious to a person of ordinary skill in the art to use plastic as the anti-bacterial material in the input device taught by Jensen, as modified by Natsuyama and Iwasa, in order to be cost efficient. In addition, the Examiner uses the teachings of Iwase, that all the peripheral areas of the writing instrument are formed of anti-bacterial material, to modify the input device taught by Jensen, as modified by Natsuyama; thereby, also forming the entirety of said rollerball assembly and the lateral buttons taught by Jensen, as modified by Natsuyama, to be formed of antibacterial material. One of ordinary skill in the art would have been motivated to form the entirety of the rollerball assembly and lateral buttons of antibacterial material in order to ensure that infection or bacteria would not be spread from one person to another through the input device.

As to **Claim 11**, Jensen teaches that the rollerball is configured to click when the input device is pressed against a surface, and wherein the click of said rollerball is detectable by the processing unit (**Col. 5, lines 34-51**).

As to **Claim 12**, Jensen teaches that the main body is shaped like a pen (**See Fig. 1**).

As to **Claim 22**, Jensen teaches a method of inputting data into a processing unit of a computer (**Col. 5, lines 61—Col. 6, line 7**), wherein the processing unit displays the data on a screen of a monitor in communication with the processing unit (**Col. 6, lines 15-28**), comprising: providing a rollerball at a distal end of an input device (**Fig. 1, 2**); electrically connecting the input device with the processing unit so that the processing unit detects movement of the rollerball (**Col. 5, lines 61—Col. 6, line 28**); detecting movement of the rollerball by the processing unit (**Col. 5, lines 7-26 and Col. 5, lines 61—Col. 6, line 7**); and displaying data on the screen that corresponds to said detecting step when the input device is activated for data input (**Col. 5, lines 34-51 and Col. 6, lines 15-52**). Although Jensen does mention contacting a substrate with the input device (**Col. 6, lines 33-52**), it is not clear if the substrate is a screen. Therefore, the Examiner cites Natsuyama to teach an input device (**Fig. 1, 1**) with a rollerball (**3**) that is in direct contact with a screen (**100**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the user contact the screen with an input device as taught by Natsuyama in the system taught by Jensen in order to provide a user friendly interactive interface whereby the user may easily see and touch the appropriate places on the screen.



Jensen, as modified by Natsuyama, fails to teach the entirety of the anti-bacterial input device, including the anti-bacterial rollerball to be formed of an antibacterial material. Examiner cites Iwase to teach an input device formed of an anti-bacterial material (**See Abstract**). The Examiner uses the teachings of Iwase, that all the peripheral areas of the writing instrument are formed of anti-bacterial material, to modify the input device taught by Jensen, as modified by Natsuyama; thereby, also forming the entirety of the anti-bacterial device, including the anti-bacterial rollerball taught by Jensen, as modified by Natsuyama, to be formed of antibacterial material. One of ordinary skill in the art would have been motivated to form the entirety of the input device and rollerball of antibacterial material in order to ensure that infection or bacteria would not be spread from one person to another through the input device.

As to **Claim 23**, Jensen, teaches activating the input device for data input by pressing the input device into the screen until the rollerball clicks (**Col. 27-60**).

As to **Claims 24 and 25**, Jensen discloses the implementation of a click function in an input device (Col. 5, lines 39-45). Jensen, as modified by Natsuyama and Iwase, however, fails to teach single clicking the rollerball to activate a click and drag function or double clicking the rollerball to activate an electronic writing function. Examiner takes Official Notice that using a click function, whether single or double click, to perform a dragging/writing function is well known in the art, evidence of which may be found in Kennedy, on Page 5; ¶ 45. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate any click function, including dragging functions and electronic writing functions, in the input device taught by Jensen,

as modified by Natsuyama and Iwase, since these functions are well known and provide additional helpful operations to the user.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen, Natsuyama and Iwase as applied to claims 9-12 and 22-25 above, and in further view of Martinez.

As to **Claim 10**, Jensen, as modified by Natsuyama and Iwase, fails to teach that the additional buttons are color-coded to denote different functionality. Examiner cites Martinez to teach keys (***Fig. 4, 506, 508 and 510***) that are color coded to denote different functions (***Col. 16, lines 6-28***). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide color-coded keys as taught by Martinez in the input device taught by Jensen, as modified by Natsuyama and Iwase, so that it may be easier for the user to visually recognize the button that he/she is pressing.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen and Iwase in view of Martinez et al. (U.S. Patent 7,116,311—hereinafter “Martinez”).

As to **Claim 3**, Jensen, as modified by Iwase, fails to teach that the additional buttons are color-coded to denote different functionality. Examiner cites Martinez to teach keys (***Fig. 4, 506, 508 and 510***) that are color coded to denote different functions (***Col. 16, lines 6-28***). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide color-coded keys as taught by Martinez

in the input device taught by Jensen, as modified by Iwase, so that it may be easier for the user to visually recognize the button that he/she is pressing.

7. Claims 13-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Iwase and Orner et al. (USPGPUB 2005/0156952—hereinafter “Orner”).

As to Claim 13, the recitation “medical information system” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As to Claim 13, Jensen teaches a pen-shaped input device (**Fig. 1, 1**), said pen-shaped input device comprising: a main body having a distal operative end (**Fig. 1, 3**); and a rollerball (**Col. 4, lines 42-45**) assembly located at said distal operative end of said main body (**See Fig. 1**), said rollerball (**Col. 4, lines 42-45**) assembly comprising a rollerball (**2**) retained within a bearing, said rollerball assembly in communicate with said processing unit (**Col. 5, lines 7-26 and Col. 5, line 61—Col. 6, line 7**), said bearing retaining said rollerball so that said rollerball is capable of rolling within said bearing (**Col. 4, lines 42-45 and Col. 5, lines 7-21**), and wherein said processing unit detects movement of said rollerball (**Col. 5, line 61-Col. 6, line 52**). Jensen also teaches a

workstation having a processing unit (*Col. 5, line 61—Col. 6, line 7*). Jensen, however, fails to teach an electronic white board having a display screen in communication with said workstation. Examiner cites Orner to teach an electronic white board (*Fig. 1B, 112*) having a touch-sensitive display screen (*114*) that is operated through the use of a stylus (*111*), which is in communication with a workstation (*Fig. 1A, 118*). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of an electronic white board as taught by Orner in the information system taught by Jensen in order to provide an interactive presentation to local and remote audiences (*Orner, Pg. 1, ¶ 2*).

Jensen, as modified by Orner, fails to teach the entirety of the pen-shaped input device to be formed of an antibacterial material. Examiner cites Iwase to teach a pen-shaped input device to be formed of an anti-bacterial material (*See Abstract*). The Examiner uses the teachings of Iwase, that all the peripheral areas of the writing instrument are formed of anti-bacterial material, to modify the input device taught by Jensen, as modified by Orner; thereby, also forming the entirety of pen-shaped input device as taught by Jensen, as modified by Orner, to be formed of antibacterial material. One of ordinary skill in the art would have been motivated to form the entirety of the pen-shaped input device of antibacterial material in order to ensure that infection or bacteria would not be spread from one person to another through the input device.

As to **Claim 14**, Jensen as modified by Orner and Iwase, teaches the white board used in a classroom setting and business setting for displaying information to local audiences (*Orner Pg. 1, ¶ 2*). Jensen, as modified by Orner and Iwase, fails to

teach said white board displaying patient scheduling information on said display screen. However, the specification shows no apparent benefits for only displaying patient scheduling information. Therefore, displaying patient scheduling information on the display screen is clearly a design choice based on the specific requirement of the claim. Furthermore, it would have been obvious to one of ordinary skill in the art to display any type of information, including that of patient scheduling information, personal information, weather information, etc. in the information system taught by Jensen, Orner and Iwase since any pertinent information would serve the purpose of providing people with the information needed.

As to **Claim 15**, Jensen, as modified by Orner and, teaches said input device (***Jensen—Fig. 1, 1***) is configured to directly contact said display screen (***Orner—Fig. 1A, 114***) in order to input and manipulate data displayed on said display screen (***Orner, Pg. 1, ¶ 2 and Pg. 3, ¶ 37 and 38***).

As to **Claim 16**, Jensen discloses the implementation of a click function in an input device (***Col. 5, lines 39-45***). Jensen, as modified by Orner and Iwase, however fails to teach single clicking the rollerball to activate a click and drag function. Examiner takes Official Notice that using a click function to perform a dragging function is well known in the art, evidence of which may be found in Kennedy, on Page 5; ¶ 45. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate any click function, including click and drag functions, in the input device taught by Jensen, as modified by Orner and Iwase, since dragging functions are well known and provide an additional helpful operation to the user.

As to **Claim 17**, Jensen as modified by Orner teaches said input device configured to electronically write on said display screen (*Orner—Pg. 1, ¶ 2 and Pg. 3, ¶'s 37 and 38*) so that said processing unit detects movement of said rollerball (*Jensen—Col. 5, line 61-Col. 6, line 52*) and displays corresponding information on said display screen (*Orner—Pg. 1, ¶ 2*).

As to **Claim 21**, Jensen teaches a plurality of lateral buttons (*Fig. 1, 4*) positioned on said main body (*3*), wherein said plurality of lateral buttons are configured to electrically communicate with the processing unit (*Col. 5, lines 38-51*). Jensen, as modified by Orner, however, fails to teach the buttons to be anti-bacterial. Examiner cites *Iwase* to teach an outer surface of an input device formed of an anti-bacterial material (*See Abstract*). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use an anti-bacterial material on all external surfaces of an input device, including the buttons, as taught by *Iwase* in the input device taught by Jensen, as modified by Orner, in order to prevent infection (*Iwase—Abstract*).

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen *Iwase* and Orner, as applied to claims 13-17 and 21 above, and further in view of Walker et al. (USPGPUB 2002/0046071—hereinafter "Walker").

As to **Claim 19**, Jensen, as modified by *Iwase* and Orner, fails to teach a central database in communication with said workstation. Examiner cites Walker to teach a central database (*Fig. 6, 42a and zone 15 and ¶ 171*) in communication with said

workstation (**Fig. 6, 23 and 43**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate a central database as taught by Walker in the system taught by Jensen, Iwase and Orner in order to provide for uniformity of data making it easier to search through the data.

9. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen, Iwase and Orner, as applied to claims 13-17 and 21 above, and in further view of Natsuyama.

As to **Claim 20**, Jensen teaches said workstation further comprises a monitor having a monitor screen in communication with said processing unit (**Col. 6, lines 21-28**). Jensen also teaches inputting and manipulating data displayed on said monitor screen (**Col. 6, lines 21-28**) Jensen, as modified by Iwase and Orner, however, fails to teach said input device is configured to directly contact said monitor screen. Although Jensen does mention contacting a substrate with the input device (**Col. 6, lines 33-52**), it is not clear if the substrate is a touch-sensitive monitor. Therefore, the Examiner cites Natsuyama to teach an input device (**Fig. 1, 1**) with a rollerball (**3**) that is in direct contact with a touch-screen (**100**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the user contact a touch-panel with an input device as taught by Natsuyama in the system taught by Jensen, Iwase and Orner, in order to provide a user friendly interactive interface whereby the user may easily see and touch the appropriate places on the monitor.

***Response to Arguments***

10. Applicant's arguments filed January 11, 2008 have been fully considered but they are not persuasive. The Applicant argues that Iwase does not teach the input device formed of an anti-bacterial material. The Examiner respectfully disagrees. In the abstract Iwase states "The outer surface of this main body and the cap part is ***made up*** of material which includes an antibacterial agent" (***Emphasis Added***). This clearly suggests that the input device is formed of an antibacterial agent. Furthermore, the American Heritage College dictionary states that the definition of the word "formed" is *to constitute or compose a basic element, part of characteristic*. Iwase clearly reads on this definition and therefore, also reads on the claims. The Applicant also argues that Iwase is covered with anti-bacterial material as opposed to formed with anti-bacterial material. Again, the Examiner respectfully disagrees. In the Abstract, Iwase clearly states that the input device is "made up" of anti-bacterial material, which reads on the definition of "formed". Lastly, the Applicant argues that Iwase does not teach that the entirety of the input device is formed of anti-bacterial material. The Examiner respectfully points out that this limitation is not supported by the specification. At best the Specification states that "the outer structure of the input device 18, including the rollerball 54 and the lateral buttons 50, 52 are all formed of an antibacterial material or covered with an anti-bacterial coating" (Pgs. 12-13, ¶ 35). Although Iwase does not teach the entirety of the input device to be formed of anti-bacterial material, one of ordinary skill in the art would have been motivated to form the entire input device with



anti-bacterial material to ensure that any possibility of infection is eliminated when the input device is shared among people.

***Conclusion***

11. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 11, 2008 has been entered.

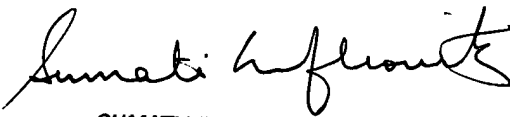
***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/15/08  
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